

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

ROSANN WILLIAMS, KATHRYN HUNTER,  
MOIRA DALY, ROBERT HADDOCK, and  
MARIA MARQUART,

Plaintiffs,

v.

CIV No. 03-1195 WPJ/ACT

W.D. SPORTS N.M., INC., d/b/a  
NEW MEXICO SCORPIONS, a New Mexico  
company with its principal place of business in  
Albuquerque, New Mexico, WILLIAM DOUGLAS  
FRANK, PATRICK J. DUNN, TYLER BOUCHER,  
BRUCE LEVINE, and DAN BURGERS,

Defendants.

**PROVISIONAL DISCOVERY PLAN**

1. Pursuant to Fed. R. Civ. P. 26(f), a telephonic meeting was held on January 6, 2004, and was attended by:

Kathryn Hammel, Attorney for Plaintiffs  
Alex Walker, Attorneys for all Defendants except Tyler Boucher

2. **Pre-Discovery Disclosures.** Pursuant to the Court's Initial Scheduling Order, the parties will exchange the information required by Fed. R. Civ. P. 26(a)(1) by January 28, 2004.

3. **Provisional Discovery Plan.** The parties jointly propose to the Court the following discovery plan:

- A. Discovery will be needed on all subjects contemplated by the Complaint and Answers.
- B Plaintiffs: All discovery to be completed by June 2, 2004  
Defendants: All discovery to be completed by August 2, 2004 [based on the fact that Plaintiffs have listed 29 individuals as witnesses with knowledge and based on the individual Defendants' inability to attend

depositions prior to April, 2004, due to their professional obligations]

- C. Plaintiffs: propose a maximum of 25 interrogatories from any party to each other party, with responses due thirty days after service.  
Defendants: propose a maximum of 25 interrogatories to each party, given that not all Plaintiffs have claims against all Defendants.
- D. Plaintiffs: propose a maximum of 25 requests for production from any party to each other party, with responses due thirty days after service.  
Defendants: propose a maximum of 25 requests for production to each party, given that not all Plaintiffs have claims against all Defendants.
- E. Plaintiffs: propose a maximum of 25 requests for admission from any party to each other party, with responses due thirty days after service.  
Defendants: propose a maximum of 25 requests for admission to each party, given that not all Plaintiffs have claims against all Defendants.
- F. Maximum of 15 depositions by Plaintiffs and 15 by Defendants.
  - (1) Each deposition limited to maximum of 4 hours (unless extended by agreement of parties), except that the depositions of parties and experts will be limited to maximum of 7 hours (unless extended by agreement of parties).

- G. Reports from retained experts under Rule 26(a)(2) are due: (1) from Plaintiffs by April 2, 2004; and (2) from Defendants by May 7, 2004.
- H. Supplementation due as provided by Fed.R.Civ.P. 26.

**4. Other Matters:**

- A. The parties request a settlement conference at the Court's convenience.
- B. The parties request a pre-trial conference as determined by the Court.
- C. Amendments to the pleadings shall be governed by Fed.R.Civ.P. 15.
- D. All potentially dispositive motions should be filed by September 9, 2004.
- E. The parties will submit the Pretrial Order as directed by the Court.
- F. Settlement has been explored and is unlikely without some discovery.
- G. Because the individual Defendants will wish to attend the trial of this matter, and Defendants Frank, Dunn and Levine are employees of hockey teams whose schedules will require their active involvement from approximately October through April of

each year, Defendants respectfully request that trial in this case (or trials, if the cases are severed) not be set except during the months of May, June, July, August or September.

Dated: \_\_\_\_\_, 2004

RESPECTFULLY SUBMITTED,

THE HAMMEL LAW FIRM, P.C.

Approved via e-mail \_\_\_\_\_

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MODRALL, SPERLING, ROEHL, HARRIS  
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